

**Amendment No. 2 to HB3182**

**Fowlkes  
Signature of Sponsor**

**AMEND Senate Bill No. 3159\***

**House Bill No. 3182**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting subsection (b)(1) of Section 40-39-201 of the amendatory language of SECTION 6 and substituting instead the following:

(1) The commission of any act that constitutes the criminal offense of:

- (i) Sexual battery, under § 39-13-505;
- (ii) Statutory rape, under § 39-13-506;
- (iii) Sexual exploitation of a minor, under § 39-17-1003;
- (iv) Incest, under § 39-15-302;
- (v) Sexual battery by an authority figure, under § 39-13-527;
- (vi) Solicitation of a minor, under § 39-13-528;

FURTHER AMEND by deleting from subsection (b) of Section 40-39-203 of the amendatory language of SECTION 6 the citation “§ 40-39-201(c)” and substituting instead the citation “§ 40-39-201(b)”.

FURTHER AMEND by deleting Section 40-39-202 of the amendatory language of SECTION 6 and substituting instead the following:

**Section 40-39-202.**

(a) The board of probation and parole is authorized to establish a serious and violent sexual offender monitoring program within the board, and to promulgate rules and regulations governing it, consistent with the provisions of this chapter.

(b) The board shall carry out the following duties:

(1) By August 1, 2004, in consultation with all participating state and local law enforcement agencies and the department of correction, the board shall develop implementing rules, guidelines, and procedures for the continuous satellite-based monitoring of serious and violent sexual offenders. Such a system shall provide, at a minimum:

(A) Time-correlated and continuous tracking of the geographic location of the subject using a global positioning system based on satellite and other location tracking technology.

(B) Reporting of subject's violations of prescriptive and proscriptive schedule/location requirements. Frequency of reporting may range from once a day (passive) to near real-time (active).

(C) An automated system that provides the board, local and state law enforcement agencies and correctional agencies with an electronic alert when a comparison of the geographic positions of monitored subjects with reported crime incidents reveals that the subject was at or near such reported crime incidents. These alerts will enable authorities to include or exclude monitored subjects from an ongoing investigation.

(2) Prior to September 1, 2004, the board shall contract with a single vendor for the installation of the hardware, browser-based software, and integration services needed to monitor subject offenders and correlate their movements to reported crime incidents using a system meeting the requirements described in (b)(1)(A) and (B), and which also meets the data-integration and criminal incident correlation services described in (b)(1)(C).

(3) The board of probation and parole shall develop a plan for the receipt and allocation of moneys deposited in the sexual offender monitoring and supervision program fund created pursuant to § 40-39-205 of this act to accomplish the purposes defined in this section. Subject fees collected under subsection (b) of § 40-39-205 of this act shall offset participation costs incurred by the board of paroles in implementation of this program.

(4) On or before March 1, 2005, the board shall make a report to a joint meeting of the judiciary committees of the senate and the house of representatives regarding the implementation of this act, the standardized procedures developed pursuant to this act, and the results of the programs

created by this act.

FURTHER AMEND by deleting the last sentence of subsection (a) of Section 40-39-205 of the amendatory language of SECTION 6 and substituting instead the following:

All moneys in the fund shall be subject to annual appropriation by the general assembly to the board of probation and parole to cover the direct and indirect costs associated with the sexual offender monitoring program.

FURTHER AMEND by deleting the first sentence of subsection (b) of Section 40-39-205 of the amendatory language of SECTION 6 and substituting instead the following:

The board of probation and parole is authorized to assess a daily or monthly fee, as the board by regulation deems reasonable and necessary to effectuate the purposes of this program, from serious and violent sexual offenders who are required by a court, the department, or the board to participate in the sexual offender monitoring program described in § 40-39-202.